

Accessory Buildings and Structures - Single Family Dwellings

GENERAL ZONING REQUIREMENTS

- **Accessory Buildings** are *detached* structures such as, garages, sheds, playhouses, storage buildings and other similar structures. Accessory buildings shall not contain any living space, sleeping quarters or storage of commercial vehicles. Accessory buildings shall be limited to two (2) plumbing fixtures and can not be conditioned. **Accessory structures** are structures open in nature such as a gazebos, trellis or other similar structures. Pools and spas are also considered to be accessory structures for zoning purposes.
- An accessory building must be **detached** from the residence by a minimum distance of **six feet**.
- Accessory buildings or structures are limited to **one story**. The **maximum height** shall not exceed twelve (12) feet, except for a sloped roof, the height halfway up any slope of a pitched, gable or hip roof may be 12 feet provided the maximum roof height does not exceed sixteen (16) feet.
- The cumulative total of the rear yard covered by any part of accessory buildings and accessory structures (not including built-in swimming pools) shall not exceed 40%, of which accessory buildings can not exceed 30%. The cumulative total of rear yard coverage that includes a swimming pool can not exceed 60%.
- Without the issuance of a Special Use Permit the following limits apply. The maximum allowable size of a accessory garage is six hundred fifty (650) square feet. The maximum individual size of other accessory buildings or structures is two hundred (200) square feet. The total aggregate square footage of all accessory buildings and structures can not exceed six hundred fifty (650) square feet.
- Accessory buildings and structures are not allowed in **easements**.
Exception: An accessory building or structure may be located in a wire clearance easement (WCE), provided the stipulated maximum height is not exceeded (typically 15', dependant on the wording of the easement). Overhead wire clearances must be maintained per the Electric Code (NEC).
- **Setback requirements for detached accessory buildings and structures (except swimming pools)** are as follows:

Zoning Regulations

- 60-foot minimum setback from the front property line.
- Zero setback is allowed at side and rear property lines.
- 25-foot side yard setback from the accessory building or structure to the side property line on the street side of a corner lot

Building Regulations

- Detached accessory buildings or structures exceeding 120 square feet and closer than three feet to the property line must have any walls not perpendicular to the property line built with a modified one-hour firewall (1-hr fire protection on the exterior).
Note: Openings are not allowed within three feet of the property line.
Note: Overhangs are not allowed closer than 2 feet to the property line.
- A detached accessory building or structure that has a minimum separation of six (6) feet from other structure and is less than **120 square feet** in area, may be built on the property line without firewalls.

PERMIT REQUIREMENTS

- A *Building permit is required* for all accessory buildings or structures greater than 120 square feet of floor area (or roof area for trellis type structures).
- Electrical/Plumbing permits are required regardless of the size of the structure.

Note: All accessory buildings or structures must meet all building codes and setback & Zoning requirements, regardless of size or whether a permit is required.

PRELIMINARY REVIEW

- The best way to determine size limitations and setback requirements of an accessory building or structure is to schedule an appointment for a *preliminary site review*.
- To schedule an appointment, call (408) 277-4541.
- The applicant must bring a *site plan* of the property to the Building Division for the site review.
- A *site plan* is a bird's-eye view of the property. This plan should contain the shape and dimensions of the lot and any easements. The site plan should also show all existing structures and setbacks. Setback dimensions are measured from the face of the accessory structure to the property line or to other adjacent structures on the lot. Be sure to include the measurements of any overhangs.
- A Planner or Permit Specialist will review the site plan and will advise the applicant as to applicable Zoning requirements pertaining to the project.
- It is also recommended to bring in **photographs** of the property.

PLAN REQUIREMENTS

- If a permit is required, **three sets** of plans must be submitted for plan check.
- Plans must be drawn to a minimum 1/4" per foot **scale**.
- Anybody may prepare plans for accessory buildings or structures that meet the **conventional construction provisions** of the Uniform Building Code (UBC).
- A State-licensed architect or engineer must prepare plans for accessory buildings or structures, which **do not meet the conventional provisions** of the Uniform Building Code.
- When an architect or engineer prepares plans, the plan submittal must include two sets of wet stamped and wet signed structural calculations.
- A typical plan submittal should include the following:
 - **Site plan;**
 - **Foundation plan** - The foundation plan shows the pier footing and/or continuous footing layout and slab on grade details if applicable;
 - **Floor plan** - The floor plan shows the dimensions of the structure and includes door and window sizes and locations; it also indicates fire-resistive construction details (if applicable), as well as stating the use of each area.
 - **Framing plan** - The framing plan shows the sizes, grade of materials and on-center spacing of the structural members, such as: studs, posts, girders, headers, joists, and deck material;
 - **Elevation plan** - Typically, the rear and side elevations are required. An elevation plan is a view of the project looking at it straight on. For example, if you stood across the street from a house and took a photograph of the house, that would be the front elevation view.

Additional information can be obtained by visiting our website at www.sanjoseca.gov/building/ or by calling our Information Inspector's voice mail at (408) 535-3555 and leaving a detailed message. In addition you may visit the Building Division in City Hall at 200 East Santa Clara St. Our hours are 9:00 a.m. to 4:00 p.m. with limited service between 12:00 p.m. and 1:00 p.m.